

**Kentucky Environmental Quality Commission  
Annual Meeting  
Public Forum**

**Meeting Minutes**

December 5, 2005

Berry Mansion Music Room

Frankfort, Kentucky

**EQC Commissioners Present**

Lindell Ormsbee, Chair

Betsy Bennett, Vice Chair

Laura Knoth

Andrew Ernest

Gordon Garner

Eugene Zick

Karen Deaton

**Speakers/Representatives Present**

John Lyons, Director, Division of Air Quality

Sean Alteri, Division of Air Quality

Bill Caylor, President, Coal Association

**Special Attendance**

Secretary LaJuana Wilcher

Karen Wilson, Policy Advisor to the Secretary

Amanda Waters, Policy Advisor to the Secretary

**EQC Staff Present**

Scott Smith, Acting Director

Frances Kirchhoff, Executive Secretary

The Environmental Quality Commission (EQC) held its annual planning meeting for the purpose of setting the 2006 calendar of events and meetings. Topics were listed but no dates were set. It was decided that when the new Executive Director is appointed the 2006 calendar would be completed.

The meeting opened with history of the EQC from Gordon Garner and Betsy Bennett. These long-time Commissioners have been public servants on the EQC for a combined total of 22 years. Ms. Bennett is due to rotate off January 1, 2006 and was recognized by Secretary LaJuana Wilcher for her years of dedication and service.

Amanda Waters gave the Commission an up date of the 404 Task Force.

The 404 task force had 11 meetings over a 6-month time period ending with a two-day session on November 29 and 30 during which the task force developed a list of recommendations. Since the September 29, EQC/404 Task Force joint public meeting, the task force heard presentations on, *inter alia*, jurisdictional waters, EPA requirements for state assumption of 404, wetlands functions and values, mitigation and the in lieu fee program. Greg Peck, Chief of Staff, Office of Water, EPA headquarters, and Jim Giattina, Director, Water Management Division, EPA Region 4, attended the November 17 meeting and emphasized that EPA should be an advocate for state assumption. Ms. Waters identified the next steps which is to finish the task force report due to be delivered to the General Assembly by January 1, 2006. The task force's recommendations, which are part of the report, relate to such issues as improving program clarity and efficiency, providing meaningful public participation in the permitting process, ensuring successful mitigation and improving environmental protection. These recommendations are intended to provide

guidance for the development of a state-run permitting program that would meet many of the interests represented by this diverse task force.

Karen Wilson addressed the Commission regarding upcoming legislation. New legislation is expected for:

- Waste Management (beneficial reuse and Confined Animal feed Operations, waste tires program),
- Drinking Water (to comply with the federal rules and assure primacy, sediment during construction),
- Air Quality (toxics)
- Dam Safety (black water)
- Oil and gas regulations and haul roads,
- Forestry (bad actor status and Master logger program)

Secretary LaJuana Wilcher addressed the EQC. In Ms. Wilcher's remarks she stated that Kentucky's waters are better than they were 30 years ago. She talked about:

- Science vs opinion—based on science (facts) vs best professional judgment—base decisions on cause and effect
- Eco monitoring
- E map
- Testing based on E map
- Need new SOKE report--Recognize progress -- get results -- measure progress-- we are here and want to be ----here
- What are the problem areas? What can we do about them?
- Small communities—combined sewer overflows Medium and large cities
- 303 (d) list of TMDLs—Clean Water Act to meet water quality standards TMDL is last resort
- Brownfield initiative---get grant from EPA EPA redevelopment -- Clean up Methane labs and tobacco warehouses
- Need state program for recycling -- educate public-- tossing aluminum--recycling saves \$53 million—cost to dispose \$26 million and cost of the resource \$27 In the business to use recycled stuff -- Good for economy and good for environment
- “Bottle bill” what CAN we do?
- Educating individuals of their bad actions--impact of burning light for one hour--normal daily impact every person, one light bulb less per year -- individual impact of that over all over time—individual's impact responsibility
- drinking water vulnerable to terrorist
- Air toxics -- need our assessment
- Consistency and effectiveness of sewer---DEP or Health

Mr. John Lyons, Director of Air Quality, and Sean Alteri briefed the Commission on

- 401 KAR 65:011 E – Statement of Emergency to repeal 401 KAR 65:010 the vehicle emission testing program in Boone, Campbell, and Kenton Counties in Northern Kentucky and
- 401 KAR 51-150 NOx requirements for stationary internal combustion engines.

Action was tabled until after the public comment.

Discussion of the 2006 calendar of events and meetings was facilitated by Gordon Garner. Goals include:

- Produce a State of Kentucky's Environment Report—new from scratch
- Brownfields --look at grants and the Rockwell site
- TMDL--public participation criteria for 303(d) list and prioritizing
- Recycling--statewide initiative
- Long range strategic plan for septic systems

The Commission suggested EQC have

- Forum Meetings -- for the mail purpose of education,
- Taskforce Meetings -- to bring stakeholders together,
- Future Initiative Meetings -- such as the Forestry Summit when partners and funds are needed.

Based on Secretary Wilcher's comments, a meeting list for 2006 was made. The list included:

1. TMDL (follow up)
2. Air Toxic
3. 404 Task Force
4. Blackwater (follow-up)
5. Mercury
6. Children's Health (follow-up)
7. Oil and gas wells (follow-up)
8. Legislation (During session)

The last item of discussion was a review of the Mountaintop Removal Mining Resolution. Mr. Bill Caylor was present and had pointed questions concerning the factuality of the resolution. It was moved and seconded that the resolution be tabled. The charge was given to Andrew Ernest to work with Surface Mining, the 404 Task Force committee, and a 'code system' of sorts to better understand the degree of decisiveness. The resolution will be discussed at our next meeting.

Nominations were open to elect a Chair and a Vice chair. It was moved, seconded and carried that Lindell Ormsbee continues to serve as Chair. It was moved, seconded and carried that Gordon Garner serves as Vice-chair.

With no further business, the meeting adjourned at 4:30 p.m.

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Signed    Lindell Ormsbee, Chair

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Date